

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No. : 10/770,619  
Applicant(s) : Yoshinori Tsubaki et al.  
Filed : February 2, 2004  
For : INK JET RECORDING MEDIUM ...  
Art Unit : 1774  
Examiner : Pamela R. Schwartz  
Docket No. : 04072/HG  
Confirm. No. : 2307  
Customer No. : 01933

**DECLARATION UNDER 37 CFR 1.132**

1. I, Yoshinori Tsubaki, declare that I am an inventor of the invention described and claimed in the above-referenced application.

That I graduated from Science University of Tokyo having been awarded a Master's Degree in Industrial Chemistry in March 1998. Since April 1998, I have been employed by Konica Corporation, which is now KONICA MINOLTA HOLDINGS, INC., the Assignee of the above-identified application. During my employment, I have been engaged in the research and the study of ink jet recording materials.

2. What follows are the result of certain measurements conducted in accordance with my detailed instructions under my direct supervision.

3. Measurement

<Preparation of ink-jet media (Sample B)>

An ink-jet recording media (Sample B) was prepared following Example 1 of Held et al. (US 5,587,187) for Sample B (non-UV cured). The weight ratio of the micro particles of calcium chloride to the polymer compound (SPP-11-KM) was 1: 9.

<Preparation of ink-jet media (Sample B-1)>

The ink-jet recording media (Sample B-1) was prepared in the same manner as the Sample B, except that the ratio was 7: 1.

<Measurement>

Prepared Sample B and B-1 above were measured according to the definition described on page 25, lines 9 to 18 in the present application specification.

4. Result

The capacity of Sample B having the ratio of 1:9 was 2 ml/m<sup>2</sup>. The value of 2 ml/m<sup>2</sup> is not within the range of the present invention as claimed in claim 1, 5 and 6. The capacity of Sample B-1 having the ratio of 7:1 was 6 ml/m<sup>2</sup>. The value of 6 ml/m<sup>2</sup> is not within the range of 15 to 40 ml/m<sup>2</sup> in claim 1, 5 and 6. That is to say, the result shows that the capacity does not meet the present invention requirements.

5. Conclusion

The above measurement provides strong evidence, that Held et al. in fact does not disclose the claimed invention. Furthermore Held et al. is directed to a swelling type medium which is not a void type medium. Therefore even if the weight ratio of the micro particles to the polymer compound of Held et al. were to fall within 2.5:1 to 20:1, the capacity would not be within the claimed range of 15 to 40 ml/m<sup>2</sup>.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

Dated: May 24, 2006

Yoshinori Tsubaki  
Yoshinori Tsubaki